

SITE DEVELOPMENT PERMIT

FILE NO.	H20-006
LOCATION OF PROPERTY	632 Blossom Hill Road
ZONING DISTRICT	CG Commercial General
GENERAL PLAN DESIGNATION	Neighborhood/Community Commercial
PROPOSED USE	Site Development Permit to allow exterior façade modifications to an existing 6,037-square foot commercial building and associated site improvements on an approximately 11.94-gross acre site of the commercial shopping center
ENVIRONMENTAL STATUS	Exempt Pursuant to CEQA Guidelines Section 15301 for Existing Facilities
OWNER/ADDRESS	EPG Properties 1543 Meridian Avenue San Jose, CA 95125
ARCHITECT/APPLICANT/ADDRESS	Chris Hall, AIA Eaton Architecture Inc 1501 The Alameda, Ste 105 San Jose, CA 95126

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

- 1. Project Description.** This is a Site Development Permit to allow exterior façade modifications to an existing 6,037-square foot commercial building and associated site improvements within a commercial shopping center on an approximately 11.94-gross acre site. The commercial building is one of the eight buildings within the Sunrise Plaza Shopping Center. New landscaping and planting are proposed along the building frontage.
- 2. Site Description and Surrounding Uses.** The subject site is located on the south side of Blossom Hill Road, 275 feet east of Cahalan Avenue, at 632 Blossom Hill Road. The site is surrounded by commercial retail to the east, single family residences and a medical office to the west, across Cahalan Avenue, a medical center and single-family residences to the south and single-family residences to the north, across Blossom Hill Road.
- 3. General Plan Conformance.** The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial. This designation supports a very broad range of commercial activity, including commercial uses that

serve the communities in neighboring areas, such as neighborhood serving retail and services. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community. The project proposes modifications to an existing commercial building (former Outback Steakhouse) within the neighborhood shopping center which serves as an amenity to the nearby community.

Additionally, the project conforms to the following key General Plan policies:

1. **Land Use Policy LU-5.1:** In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.
2. **Land Use Policy LU-5.7:** Encourage retail, restaurant, and other active uses as ground-floor occupants in identified growth areas and other locations with high concentrations of development.

Analysis: The modification of the existing commercial use would contribute to the revitalization of the Sunrise Shopping Center with modifications to the existing building for a future restaurant with outdoor seating. Existing uses within the neighborhood shopping center include a grocery store, bank, variety of retail clothing and electronic stores, dental office, and a cluster of public eating establishments. The shopping center is within 2,000 feet of the Blossom Hill Light Rail Station and West Valley Freeway 85 to the northeast of the site. The proposed exterior façade changes to the building would make it more appealing, attract new customers to the shopping center and induce more pedestrian activity overall.

The project would also support jobs and revenue for city services and infrastructure in an urban area and provide convenience of neighborhood retail and restaurant services, while generating income and revenue for the City of San José.

4. **Zoning Ordinance Compliance.** The subject site is located in the CG Commercial General Zoning District. Pursuant to Section 20.100.610 of the City of San José Municipal Code, a Site Development Permit is required prior to the issuance of any building permit for erection, alteration, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. The project is consistent with the developments regulations of the CG Commercial General Zoning District as described below:
 - a. **Use.** Public Eating Establishment is a permitted use in the CG Commercial General Zoning District.
 - b. **Setbacks.** The has a front setback requirement of 15 feet, side corner requirement of 12.5 feet with zero rear and interior side requirements. The project proposes modifications to an existing building within the shopping center. The existing building is situated in the front of the parcel and is more than 40 feet from the front property line along Blossom Hill Road and more than 250 feet from the side property line parallel to Cahalan Avenue.
 - c. **Height.** The maximum height allowed in this district is 50 feet. The modified building will have a new roof height of approximately 22 feet in conformance to the setback and height requirement of the CG Commercial General Zoning District.
 - d. **Parking.** Pursuant to Section 20.90.060 of the Zoning Ordinance, the parking ratio for a Neighborhood Shopping Center is one parking space per 225 square feet of floor area. Bicycle parking required has a ratio of one parking space per 3,000 square feet of floor area at publicly accessible entrances and motorcycle parking is required at one motorcycle space per 20 code

required auto parking spaces. For Sunrise Shopping Center (124,540 square feet), this equates to a total of 553 overall vehicle parking spaces, 41 bicycle parking spaces, and 28 motorcycle parking spaces. The future public eating establishment (restaurant) would occupy an existing building, with 6,037-square foot gross floor area, and 3,445-square foot dining area. Restaurant dining floor area calculated at one space per 40 square feet would require 87 vehicle parking spaces, per the Zoning Ordinance. As the entire site currently provides 606 parking spaces for the shopping center, the parking for the existing building will be accommodated within the overall parking provided on site and no additional vehicle parking is required. The proposed project would provide an additional four bicycle spaces and five motorcycle parking spaces.

5. Commercial Design Guidelines

The project is consistent with the Commercial Design Guidelines, in that the design of the proposed building will have an attractive retail storefront construction to create an appealing modern architectural style and a symmetrical front façade entry design, as viewed from a public street. The finished materials of the commercial building will consist of a combination of stucco and cement plaster with wood siding and gray stone veneer accent and window glazing framed between metal panels, accentuated with metal awnings to create an attractive design at the street frontage.

The design includes large display windows at the building entrance, maximizing visibility into the building, providing ample natural light for double height internal area, as well as creating a functional and useful interior space which will incorporate dining, kitchen and entrance lobby areas.

The site design incorporates landscaping, planters and wood trellises along site frontage. The modern building materials and new perimeter landscaping with outdoor seating areas stimulate interest and emphasize pedestrian scale and customer-oriented design fronting Blossom Hill Road, which is also a Grand Boulevard.

- 6. Environmental Review.** Under the provisions of Section 15301 for Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Analysis: Class 1 consists of interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The project includes exterior modifications to an existing building with no expansion. There are no hazardous substances involved in the operation of the business and the site is adequately served via ingress/egress driveways from Blossom Hill Road. The project will not cause any adverse impacts to the adjacent sites and surroundings.

FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

- 1. Site Development Permit Findings.** Section 20.100.630 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.

Analysis: As noted above, the proposed project has a Land Use/Transportation Diagram Designation of Urban Village. This designation supports a very broad range of commercial land uses that serve the nearby communities.

The Site Development Permit, as approved, will further the Land Use Policies LU-1.5 and LU-1.8 which support commercial uses that create jobs in an urban area and provide convenience of neighborhood retail and restaurant services, while generating income and revenue for the City of San José.

- b. The Site Development Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: As discussed above, the subject site is located in the CG Commercial General Zoning District, and the Site Development Permit, as approved, would allow modifications to an existing commercial building and related site improvements, consistent with the development standards of this zoning district, as analyzed under the zoning ordinance section. The proposed development conforms with all required setbacks, building height regulations, and parking requirements.

- c. The Site Development Permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

Analysis: The proposed project is consistent with all applicable City Council policies. Pursuant to Council Policy 6-30: Public Outreach Policy, a notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City's website.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The subject building is one of the eight buildings within a shopping center on a 11.94-gross acre site. The building footprint of the subject building will not change, and parking, landscaping, circulation and driveways will be shared between different uses within the shopping center. The subject building will undergo exterior modifications but will otherwise remain in same location and all buildings will co-exist and will remain oriented towards Blossom Hill Road, with no change to site layout and orientation of the development which will continue to be mutually compatible and aesthetically harmonious.

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The proposed building elevations of the commercial building will be accentuated with gray stone veneer, wood siding materials at the symmetrical entry facade, to create a visual interest which will complement the surrounding commercial buildings. The commercial restaurant building will be aesthetically harmonious with adjacent development and the character of the neighborhood, in that the height, mass and building form will remain compatible and the building will continue to maintain attractive street presence, with added new landscaping, outdoor wood trellises, seating areas and wall lighting along Blossom Hill Road.

- f. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The proposed project will include new landscaping, shrubs and planter areas. The building design complies with the City's Commercial Design Guidelines, with attractive front façade entrance, accentuated wall lighting and adequate provision of new landscaping and

outdoor amenities to significantly enhance and upgrade the appearance of the neighborhood. Additionally, there is no change to landscaping and lighting along the site frontage which would continue to enhance the appearance of the development when viewed from public street.

- g. Traffic access, pedestrian access and parking are adequate.

Analysis: The proposed project conforms to the parking requirements set forth in the Zoning Ordinance. This site is accessible by two-way drive aisles off Blossom Hill Road and Cahalan Avenue. Adequate pedestrian access is provided via walkways and paved areas connecting the building entrances to the adjacent public sidewalk.

The site contains surface parking for a total of 606 parking spaces and has adequate parking spaces and circulation areas for loading, drop-off, pick up, and ingress and egress of vehicles. The project will not cause any adverse traffic impacts as the site is also conveniently located within 2,000 feet of Blossom Hill Light Rail Station and Highway 85.

- h. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that the project involves exterior modifications to the commercial building with minor parking lot and landscape improvements and provision of additional trees and shrubs which will not cause noise or vibration or any other negative impacts to the surrounding neighborhood. The construction hours will be limited to the construction and site improvements of the building between 7:00 a.m. and 7:00 p.m., Monday to Friday. The proposed project will not generate noise or adversely impact the adjacent properties.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four (4) years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or

the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.

3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Site Development Permit shall be deemed acceptance of all conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance to Plans.** Development of the site shall conform to approved Site Development plans entitled "632 Blossom Hill Road Façade Remodel, San Jose, CA" dated September 10, 2020, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
6. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
7. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
8. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Outdoor Storage.** No outdoor storage shall be allowed or permitted.

11. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
12. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
13. **Trash.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
14. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
15. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
16. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
17. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
18. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
19. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
20. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, LED wall fixtures as shown in the Approved Plan Set. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property. All proposed changes shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
21. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for a new building (excluding façade improvements to the existing buildings), the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, **H20-006**, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.

- d. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official: The project applicant shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street).
22. **Fire Department Clearance for Issuing Permits.** The Fire Department's review was limited to verifying compliance of the project to Chapter 5, Appendix BB, Appendix C, and Appendix D of the 2016 California Fire Code (CFC) with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
23. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the first Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits for a new building (excluding façade improvements to the existing buildings), whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions.
24. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **28th day of October, 2020.**

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement

Deputy